

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Lan Hoang

Hearing Date: July 10, 2018
Hearing Time: 2:00 p.m.
Objection Deadline: June 26, 2018

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL,
L.P., ARIEL FUND LTD., ASCOT
PARTNERS, L.P., GABRIEL CAPITAL
CORPORATION, ASCOT FUND

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**CERTIFICATE OF NO OBJECTION TO TRUSTEE'S MOTION FOR ENTRY OF
ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND
RULES 2002 AND 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE
APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE TRUSTEE AND**

**ASCOT PARTNERS, L.P., THROUGH ITS RECEIVER, RALPH C. DAWSON, ASCOT
FUND LIMITED, J. EZRA MERKIN, AND GABRIEL CAPITAL CORPORATION**

Irving H. Picard (“Trustee”), as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively consolidated chapter 7 estate of Bernard L. Madoff, by and through his undersigned counsel, submits this certificate pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On June 13, 2018, the Trustee’s Motion for Entry of Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Approving Settlement Agreement Between the Trustee and Ascot Partners, L.P., Through Its Receiver, Ralph C. Dawson, Ascot Fund Limited, J. Ezra Merkin, and Gabriel Capital Corporation (the “Motion”) (ECF No. 450) was filed together with its exhibits in support of the Motion.

2. The deadline for filing objections to the Motion expired on June 26, 2018 at 4:00 p.m. A hearing on the Motion has been scheduled for July 10, 2018 at 2:00 p.m.

3. Notice of the Motion was provided by U.S. Mail, postage prepaid or email to (i) SIPC; (ii) the SEC; (iii) the Internal Revenue Service; (iv) the United States Attorney for the Southern District of New York; (v) Judith A. Archer, Sarah O’Connell, and David B. Schwartz, Norton Rose Fulbright US LLP, 1301 Avenue of the Americas, New York, NY 10019; and (vi) Andrew J. Levander and Neil A. Steiner, Dechert LLP, 1095 Avenue of the Americas, New York, NY 10036. Notice of this motion was also provided by U.S. Mail, postage prepaid or email to all persons who have filed notices of appearance in the BLMIS proceeding pursuant to the Order Establishing Notice Procedures and Limiting Notice. *SIPC v. BLMIS*, No. 08-01789(SMB) (Bankr. S.D.N.Y.) (ECF No. 4560).

4. Counsel for the Trustee has reviewed the Court's docket not less than forty-eight (48) hours after expiration of the time to file an objection and to date, no objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion.

5. An electronic copy of the proposed order that is substantially in the form of the proposed order that was annexed to the Motion will be submitted to the Court along with this certificate.

6. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests that the Order be entered without a hearing.

Dated: New York, New York
July 3, 2018

Respectfully submitted,

/s/ David J. Sheehan

David J. Sheehan
Email: dsheehan@bakerlaw.com
Lan Hoang
Email: lhoang@bakerlaw.com
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Tel: (212) 589-4200
Fax: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*